

**REGULAR MEETING
CITY COUNCIL
August 2, 2007**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MR. KROGH, MRS. COLLIER, MR. CAMPANA, MS. MAHAR
DERGURAHIAN, PRESIDENT BAUER

ABSENT:

Ordinance No. 1 **Date** August 2, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** McGrath

ORD. #1

**ORDINANCE AMENDING THE 2007 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
GENERAL FUND AND WATER FUND BUDGET LINES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2007 GENERAL FUND and WATER FUND budgets as herein amended and set forth in Schedule "A" entitled:

August 2007 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, July 16, 2007

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 Date August 2, 2007
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Krogh

ORD. #2

**ORDINANCE AMENDING THE FEDERAL ASSET FORFEITURE SPECIAL REVENUE ACCOUNT
 TO RECOGNIZE ADDITIONAL FEDERAL ASSET REVENUES AND APPROPRIATE FUNDS**

The City of Troy, convened in City Council, ordains as follows:

Section 1. A special revenue account is hereby amended to receive additional revenues from the Federal Asset Forfeiture Account, and appropriate funds within as provided in Schedule "A" entitled:

"Federal Forfeiture Funds"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form,

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 Date August 2, 2007
 Introduced by Council Member Bauer
 At the request of Administration Seconded by DerGurahian

ORD. #3

**ORDINANCE AMENDING THE 2007 CITY BUDGET TO ACCEPT DONATED FUNDS IN THE
AMOUNT OF \$2,350.00 FOR THE PURPOSE OF PURCHASES RELATING TO THE POWERS
PARK CONCERT SERIES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2007 Budget is hereby amended to accept donated funds in the amount of \$2,350.00 and appropriating those funds to the City Council Civic Services line to cover necessary purchases of as per the attached Schedule "A" entitled:

"Concert Series Donation"

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, July 16, 2007

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 **Date** August 2, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Ryan

ORD. #4

**ORDINANCE AMENDING THE 2007 CITY BUDGET
TO ACCEPT FUNDS FROM THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR THE
PURCHASE OF TRACS – ELECTRONIC TICKET AND ACCIDENT REPORT EQUIPMENT AND
INSTALLATION**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2007 City Budget is hereby amended to provide for the acceptance of ADDITIONAL funds from the State of New York Governor's Traffic Safety Committee for the purchase of TraCS – Electronic Ticket and Accident Report Equipment and installation thereof as provided in Schedule "A" entitled:

"Tracs – Equipment "

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, July 19, 2007

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 **Date** August 2, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** _____

ORD. #5

**ORDINANCE AUTHORIZING A SPECIAL REVENUE 2007 BUDGET AMENDMENT TO
 APPROPRIATE FUNDS TO PAY LEGAL AND BOND EXPENSES OF THE SLUDGE
 DEWATERING FACILITY AND APPROVED THROUGH THE BUDGET OF THE LONG-TERM
 EFC FINANCING**

The City of Troy, convened in City Council, ordains as follows:

Section 1. A special revenue account is hereby amended to appropriate funds to pay legal and bond expenses of the sludge dewatering facility and approved through the budget of the long-term EFC financing as provided in Schedule "A" entitled:

"Special Revenue – 2007 Budget Amendment"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form,

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 **Date** August 2, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh

ORD. #6

**ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF TROY BY ESTABLISHING: CHAPTER 130
“COMMUNITY SOCIAL HOST AND UNDERAGE DRINKING”**

BE IT ENACTED, by the City Council of The City of Troy, New York, as follows:

CHAPTER 130: COMMUNITY SOCIAL HOST AND UNDERAGE DRINKING:

Chapter 130:

Sec. 1. The City code of Ordinances of the City of Troy is hereby amended by adding Chapter 130:
“Community Social Host and Underage Drinking”, to read as follows, with the rest
of the Chapter and code remaining in full force and effect:

**Sec. 1-A. Prohibition against consumption of alcoholic beverages by
minors on private property:**

(a) Legislative Intent.

It is the purpose of this section to protect the public interest, welfare, health and safety within the City of Troy, New York, by prohibiting the services to and consumption of alcoholic beverages and drugs by persons under the age of twenty-one (21) at private premises located in the City. Mayor Tutunjian and the City Council finds that the occurrence of social gatherings at private premises where alcoholic beverages or drugs are served to or consumed by persons under

the age of twenty-one (21) is harmful to such persons themselves and a threat to public welfare, health and safety. The Mayor and the City Council finds further that persons under the age of twenty-one (21) often obtain alcoholic beverages or drugs at such gatherings and that persons who are in control of such premises know or have reason to know of such service and/or consumption and will be more likely to ensure that alcoholic beverages and drugs are neither served to nor consumed by persons under the age of twenty-one (21) at these gatherings.

(b)Definitions For the purpose of this section, the following terms shall be defined as follows:

Alcoholic beverage means any liquor, wine, beer, spirits, cider or other liquid or solid, patented or not, composed of or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person; except that confectionary containing alcohol as provided in Subsection 12 or 200 Agriculture and Markets Law shall not be considered alcoholic beverage within the meaning of this section.

Control means the authority and ability to regulate, direct or dominate.

Drug means and includes any substance listed in Section 3306 of the Public Health Law.

Minor means any person under the age of twenty-one (21)

Open House Party means a social gathering at a residence or other private property with minors present.

Person means a human being and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

Premises means any home, apartment, condominium, co-operative unit or other dwelling unit of any kind, including yards and open areas adjacent thereto.

(c)Prohibition.

No person having control of any premises shall allow an open house party to take place at said residence if such person knows or has reason to know that any alcoholic beverage or drug is being unlawfully possessed, served to or consumed by a minor at said residence.

(d) Exceptions.

The provisions of this section shall not apply to:

(1) The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to Section 65-c of the New York State Alcohol Beverage Control Law, or any other applicable law; or

(2) The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by *any* other applicable law.

(e) Inconsistency with Other Laws

(1) If any part or provision of this section is inconsistent with any federal or state statute, law, rule or regulation, then such statute, law, rule or regulation shall prevail.

(2) If any part or provision of this section or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section, or the application thereof to other persons or circumstances.

(f) Penalties.

Failure to comply with subsection (c) above shall constitute a violation, punishable by a fine which shall not exceed one thousand dollars (\$1,000.00), or imprisonment not exceeding fifteen (15) days or a combination of such fine and imprisonment as shall be fixed by the court."

Sec. 2. This Ordinance shall take effect immediately.

Approved as to form, July 19, 2007

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

Ordinance No. 7 Date August 2, 2007
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Krogh

**ORDINANCE AUTHORIZING AND DIRECTING SALE BY THE
PRIVATE SALE METHOD OF CITY OWNED REAL PROPERTY**

The City of Troy, in City Council convened, ordains as follows:

Section 1. Pursuant to Chapter 83 of the Code of Ordinances, the Bureau of Surplus Property received an offer on a portion of City owned property, as described in Letter "A" and Map "A" attached hereto and made a part hereof.

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchaser for the sum below indicated which is hereby determined to be a fair price for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The purchaser, purchase price and terms and conditions of sale are as follows:

PURCHASER: **Clarence Christiansen**

PURCHASE PRICE: **\$75.00**

TERMS AND CONDITIONS:

- A. Within thirty (30) days of the effective date of this ordinance the purchaser shall pay the purchase price, payment in lieu of City taxes through **December 31, 2007**, and Troy School taxes **through June 30, 2008** or Lansingburgh School Taxes through **August 31, 2008** and execute a contract setting forth the conditions of sale as outlined in the annexed proposal/offer and guaranteeing performance.
- B. Upon the 1st day of **January 2008**, taxes and other assessments shall become due and payable by the purchaser **except all water and sewer rents which shall be charged from the date of this conveyance.**
- C. This conveyance is made subject to the condition that the structure be repaired and property to be in conformance with the building, housing and fire prevention codes within twelve (12) months after the date of purchase. If the purchaser, his successor, or assigns shall fail to comply with this condition the City of Troy, pursuant to the reverter clause placed in the deed, has a right to re-enter the property without refunding the purchase price.
- D. Purchaser shall be liable for and pay all closing costs related to this sale including, but not limited to filing fees, deed stamps and attorneys fees for closing.

Section 4. The said real property is described as follows: **See Map "A" attached hereto.**

Section 5. The City Treasurer is hereby authorized to cancel any and all taxes and tax sale certificates now in existence except water and sewer rents which have not become liens and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 6. This Ordinance shall take effect immediately.

Approved as to form, July 30, 2007

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 8 Date August 2, 2007
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Collier

ORD # 8

**ORDINANCE AUTHORIZING AND DIRECTING SALE BY THE
 PROPOSAL METHOD OF CITY OWNED REAL PROPERTY**

The City of Troy, in City Council convened, ordains as follows:

Section 1. Pursuant to Chapter 83 of the Code of Ordinances, the Bureau of Surplus Property accepted proposals on the hereinafter-described property.

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchaser for the sum below indicated which is hereby determined to be a fair price for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The purchaser, purchase price and terms and conditions of sale are as follows:

PURCHASER: **Ray Properties, DBA John Ray & Sons**
 PURCHASE PRICE: **\$1,000.00**

TERMS AND CONDITIONS:

- A. Within thirty (30) days of the effective date of this ordinance the purchaser shall pay the purchase price, payment in lieu of City taxes through **December 31, 2007**, and Troy School taxes **through June 30, 2008** or Lansingburgh School Taxes through **August 31, 2008** and execute a contract setting forth the conditions of sale as outlined in the annexed proposal/offer and guaranteeing performance.
- B. Upon the 1st day of **January 2008**, taxes and other assessments shall become due and payable by the purchaser **except all water and sewer rents which shall be charged from the date of this conveyance.**
- C. This conveyance is made subject to the condition that the structure be repaired and property to be in conformance with the building, housing and fire prevention codes within twelve (12) months after the date of purchase. If the purchaser, his successor, or assigns shall fail to comply with this condition the City of Troy, pursuant to the reverter clause placed in the deed, has a right to re-enter the property without refunding the purchase price.
- D. Purchaser shall be liable for and pay all closing costs related to this sale including, but not limited to filing fees, deed stamps and attorneys fees for closing.

Section 4. The said real property is described as follows:

2964 – 6th Avenue w/ Tax map SBL: # 90.70-8-5

Section 5. The City Treasurer is hereby authorized to cancel any and all taxes and tax sale certificates now in existence except water and sewer rents which have not become liens and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 6. This Ordinance shall take effect immediately.

Approved as to form, July 30, 2007

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 9 **Date** August 2, 2007

Introduced by Council Member Bauer and Collier

At the request of Administration **Seconded by** Dunne

ORD. #9

**ORDINANCE AUTHORIZING AND RATIFYING THE EMPLOYMENT
CONTRACT BY AND BETWEEN THE CITY OF TROY AND
THE TROY UNIFORMED FIREFIGHTERS ASSOCIATION (UFA)**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy and the Troy Uniformed Firefighters Association have successfully negotiated the terms of a labor agreement, which is attached hereto as Exhibit “A” and made a part hereof.

Section 2. The members of the Uniformed Firefighters Association have ratified the proposed agreement found in Schedule “A” herein, and shall be bound by the terms of that agreement upon ratification of the City Council of The City of Troy and execution by Mayor Tutunjian.

Section 3. This act shall take effect immediately.

Approved as to form, July 30, 2007

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 Date August 2, 2007
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Collier

RES. #1

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN
 THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-
 AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID
 PROJECT, AND APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the Reconstruction of Route 2, 11th Street to Pawling Avenue, P.I.N.1753.39 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Troy desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and ROW Incidentals.

NOW, THEREFORE, the City Council, duly convened does hereby

RESOLVE, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Troy to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and ROW Incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,147,000.00 (One million eighty seven thousand dollars and no cents) has already been appropriated pursuant to Ordinance No. 8 adopted by the Troy City Council on May 7, 1998; Ordinance No. 12 adopted by the Troy City Council on March 1, 2001 and Resolution No. 3 approved on 7/21/2006; and made available to cover the cost of participation in the Preliminary Engineering phase in the amount of \$1,077,000.00; the ROW Incidentals phase in the amount of \$10,000.00; and the Construction phase

in the amount of \$60,000.00; and it is further

RESOLVED, that an additional sum of \$290,000.00 is hereby appropriated from the City of Troy Capital Fund Project Account H1998-362 made available to cover the additional cost of participation in the Preliminary engineering phase of the project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Troy shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Troy be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Troy with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately

Approved as to form, July 19, 2007

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

Resolution No. 2 **Date** August 2, 2007
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh
Motion to AMEND by Council Member Dunne **Seconded by** Wojcik

RES. # 2

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule “A”, attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule “A”.

Approved as to form, July 16, 2007

 David B. Mitchell, Corporation Counsel

Motion to AMEND ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Resolution as AMENDED ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-03-07 for Executive Action – Approved, returned 08-08-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Motion to adjourn by McGrath; seconded by Wojcik

Meeting adjourned at 7:41pm.